

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 4, 2008. At the time of the Office Action, Claims 1-15 were pending in this Application. Claims 1, 4-6, 9-11 and 14-15 were rejected and Claims 2-3, 7-8 and 12-13 were objected to. Claims 1, 3, 6, 8, 11, and 13 have been amended to further define various features of Applicant's invention. Claims 16-22 have been added. Claims 2, 7, and 12 have been cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1 and 5-9 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,544,816 issued to Debora A. Nally et al. ("*Nally*"). Applicant respectfully traverse and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

With respect to claim 4, the Examiner stated that all the limitations of claim 4 are inherently disclosed in *Goto*. Applicant respectfully disagrees. Dependent claim 4 includes the limitation of measuring a temporal resulting pressure over a measuring period of 1 second and comparing the temporal response of the pressure during the measuring period with a temporal setpoint pressure for the given operating conditions. Thus, the course of the pressure is measured during a time window of 1 second and this course is compared with a setpoint course. *Goto* does not mention such a measurement nor does *Goto* inherently suggest such a measurement.

Allowable Subject Matter

Applicant appreciates Examiner's consideration and indication that Claims 2-3, 7-8 and 12-13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant amended Claims 1, 6, and 11 to incorporate the limitations of allowable claims 2, 7, and 12, respectively. Furthermore claims 3, 8, and 13 have been amended to be in independent form including all the limitations of former independent claims 1, 6, and 11, respectively. Applicant submits new Claim 16-21 which correspond to claims 4, 5, 9, 10, 14, and 15 are in condition for allowance and requests favorable action.

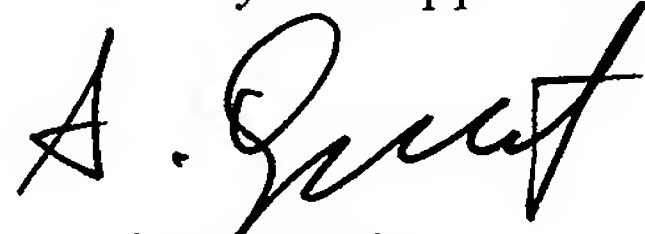
CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
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